

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT ROGERS,

1:05-CV-00569-AWI-WMW-P

Plaintiff,

vs.

ORDER TO SUBMIT APPLICATION TO
PROCEED IN FORMA PAUPERIS
OR PAY BALANCE OF FILING FEE

WARDEN A. K. SCRIBNER,
et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On May 5, 2005, plaintiff submitted a \$150.00 partial filing fee regarding his complaint filed on April 28, 2005. Pursuant to 28 U.S.C. § 1915(b) (1), plaintiff is required to pay the statutory filing fee of \$250.00 for this action.¹ Plaintiff is required to pay the balance of \$100.00 for the filing fee, or submit an application to proceed in forma pauperis on the appropriate form pursuant to 28 U.S.C. § 1915. Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk's Office shall send to plaintiff the form for application to proceed in forma pauperis.

2. Within thirty days of the date of service of this order, plaintiff shall submit a

¹ Effective February 7, 2005, the statutory filing fee for all civil actions except applications for writs of habeas corpus is 250.00. 28 U.S.C. § 1914(a).

1 completed application to proceed in forma pauperis, or in the alternative, pay the balance of \$100.00,
2 for a total of \$250.00, filing fee for this action. Failure to comply with this order will result in a
3 recommendation that this action be dismissed.

4 IT IS SO ORDERED.

5 **Dated: May 26, 2005**
j14hj0

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE